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Executive summary

Note by the Secretariat

Addendum

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II. Executive summary

Ghana

1. Introduction: Overview of the legal and institutional framework of Ghana in the context of implementation of the United Nations Convention against Corruption

Ghana signed the Convention on 9 December 2004, ratified it on 16 December 2005 and deposited its instrument of ratification on 24 June 2007. Ghana has a dualist system and does not apply the Convention directly. The legal system in Ghana is based on the common law. In 2012, Ghana developed a National Anti-Corruption Action Plan, which was pending adoption by the Parliament of Ghana at the time of the review.

The institutions most relevant in the fight against corruption are the CHRAJ (Commission on Human Rights and Administrative Justice), EOCO (Economic and Organised Crime Office), the Ghana Police Service, the Attorney-General's Office, the FIC (Financial Intelligence Center), the Auditor-General's Office, the Internal Audit Agency, the Public Procurement Authority, Controller and Accountant-General's Department, Bureau of National Investigations and the Public Accounts' Committee of Parliament. Within the Judicial Service, Ghana has established Financial and Economic Crime Courts.

The CHRAJ and the EOCO are the most important corruption investigation authorities. With regard to prosecution, the EOCO has since its creation in 2010 invested considerably in specialized investigation training. CHRAJ does not have the power to prosecute.

2. Chapter III: Criminalization and law enforcement

2.1. Observations on the implementation of the articles under review

Bribery and trading in influence (arts. 15, 16, 18 and 21)

Active bribery of national public officials is regulated in sections 239, 241-243 and 245 of the Criminal Offences Act, 1960 (Act 29). Section 3 defines the term "public officer", while Section 261 defines "valuable consideration", corresponding to "undue advantage".

Sections 151, 239, 242-244, 247, 253-254 of the Criminal Offences Act criminalize passive bribery of public officials.

While there is no specific offence of transnational bribery, the norms quoted above could also be applied in this context based on the broad definition of public officers in Section 3. However, such conduct can only be prosecuted if committed in Ghana because no jurisdiction was established for corruption offences committed abroad.

Both active and passive trading in influence are criminalized in Section 252 of the Criminal Offences Act. With regard to active trading in influence, Section 252, paragraph 2, does not cover the provision of an undue benefit to "any other person", nor the "promise" and the granting "directly or indirectly" of such undue benefit. As to passive trading in influence, Section 252, paragraph 1, does not cover the elements of "solicitation", "directly or indirectly" and "for himself or herself or for another person".

Some aspects of the offence of active bribery in the private sector are covered in sections 92 and 93 of the Public Procurement Act; however, they are limited to the procurement process and the conducts covered in these provisions will often entail bribery of a public official. Ghana has not criminalized passive bribery in the private sector.

Money-laundering, concealment (arts. 23 and 24)

Ghana establishes the laundering of proceeds of crime as an offence in sections 1-3 of the Anti-Money Laundering Act 2008 (Act 749), and section 12 of the Narcotic Drug Act. The Anti-Money Laundering Act covers the disguise of the origin and location, but not of the true nature, disposition, movement or ownership of property.[1] A wide range of predicate offences including most corruption offences is covered, whether they occur in Ghana or elsewhere. Self-laundering is not excluded. Ghana has not provided a copy of its laws to the Secretary-General of the United Nations. It is noted that only two money-laundering cases had been prosecuted.

Concealment is criminalized by section 1 (a) (b), 3 of the Anti-Money Laundering Act, which does not contain the element of "continued retention", although it could be covered under the element "takes possession".

Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)

The Criminal Offences Act addresses embezzlement and misappropriation in its Sections 124-125, 128-129, 179 A, C, D and 260, as well as Sections 1 to 4, and especially Section 3, of the Public Property Protection Act from 1977 (SMDC 140). These offences apply to all persons, not only to public officials. Section 3 of the Public Property Protection Act refers to assets "entrusted to care" to the offender, but not by virtue of an official position. Embezzlement for the benefit of a third person is not specifically regulated.

Abuse of functions is criminalized in sections 179 C and D of the Criminal Offences Act. Ghanaian authorities confirmed that the element "for private profit and benefit" in section 179 C can also cover the benefit of third parties.

Ghana has not criminalized illicit enrichment.

The embezzlement or misappropriation of property in the private sector is punishable under Sections 124-125, 128-129 and 140 of the Criminal Offences Act, as well as Sections 1 to 4, and especially Section 3, of the Public Property Protection Act from 1977 (SMDC 140). Section 3 of the Public Property Protection Act refers to assets "entrusted to care" of the offender. However, they do not specifically address embezzlement or misappropriation by those directing or working in a private sector entity, and they only refer to public property. Further, embezzlement for the benefit of a third person is not specifically regulated.

[1] In 2014, Ghana adopted the Anti-Money Laundering (Amendment) Act, 2014 (Act 874). It criminalizes the disguise of the source, disposition, movement or ownership; only the disguise of the true nature of the property is not covered.

Obstruction of justice (art. 25)

Sections 234-235 and 251, together with Section 20, of the Criminal Offence Act contain relevant offences for the promise, offering and giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence.

The use of physical force, threats or intimidation to obstruct justice are regulated in Section 222 for the interference with the giving of testimony, not for false testimony or the production of other evidence. Section 74 generally criminalizes threat of harm.

Sections 234-235 of the Criminal Offences Act, section 25 of the Anti-Terrorism Act, and Section 21 of the EOCO Act provide for obstruction of justice; the Criminal Offence Act only provides for the use of violence, not threats and intimidation. Section 21 of the EOCO Act does not specifically cover physical force, threat and intimidation, and the sanction is considerably lower.

Liability of legal persons (art. 26)

Ghana has established the criminal liability of legal persons without prejudice to the criminal liability of the natural persons who have committed the offences; no specific provisions spell out the applicable sanctions. It was noted that accusations against legal persons were not frequent.

Section 3 (q) and (r) of the Public Procurement Act allow for the debarring of companies which have offered inducements.

Participation and attempt (art. 27)

Participation and attempt are regulated in sections 18, 20 and 29 of the Criminal Offences Act and section 56 of the Narcotics Drugs Act; the preparation of an offence in section 19 of the Criminal Offences Act and section 56 of the Narcotics Drugs Act.

Prosecution, adjudication and sanction; cooperation with law enforcement authorities (arts. 30 and 37)

Ghana has a broad range of sanctions for corruption offences. Fines can be imposed in addition to imprisonment.

Ghana does not have jurisdictional privileges. Immunity rights are accorded to the President, Members of Parliament, high representatives of the judiciary, diplomats, EOCO and the CHRAJ. Immunities can be lifted by the courts.

Prosecution is not obligatory; some guidelines are contained in the Ghana Code for Prosecutors as to how to apply their discretionary powers.

Ghana can impose preventive detention or alternative measures, such as bail. Through the "Justice for All" programme, delays in criminal trials have been reduced. There are regulations on both license and parole; the provision on parole it is not applied in practice.

According to regulation 11 of the Civil Service Disciplinary Code Regulations, a public official can be suspended from office pending criminal proceedings. As a

matter of practice, reassignment is also possible. The removal pending criminal proceedings is considered unconstitutional.

Persons can be disqualified from public office and from office in a company wholly owned by the State according to section 9 of the Public Office Holders Act.

Regulation 9 of the Civil Service Disciplinary Code Regulations stipulates that disciplinary proceedings shall not be taken until the conclusion of the criminal proceedings on the same grounds.

Ghana does not have a programme for the reintegration into society of persons convicted of offences.

Collaborators with justice can be awarded a mitigated sanction if they compensate the damage caused, or be given the status of a witness in the procedure and therefore be exempt from prosecution if they supply useful information. Such persons do not currently enjoy witness protection. Ghana does not have agreements or arrangements in place that would permit the mitigation of punishment or the granting of immunity in international cases.

Protection of witnesses and reporting persons (arts. 32 and 33)

Ghana does not have a witness protection programme. A Witness Protection Bill (2013) is pending. Ghana has not concluded agreements and arrangements with other States for the relocation of witnesses, experts and victims.

Ghana does not have measures through which the views and concerns of victims could be presented and considered in criminal proceedings.

The protection of reporting persons is foreseen by section 107 of the Evidence Act, section 32 of the Anti-Money Laundering Act, and the Whistleblower Act. A Whistleblower (Amendment) Bill 2013 is pending.

Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)

Section 51 of the EOCO Act regulates non-conviction based confiscation of proceeds and instruments of corruption, but not of instruments "destined for use".

The EOCO and FIC have broad powers for freezing and seizure (sec. 23, 24 EOCO Act, sec. 74 EOCO Act, sec. 47 AML Act); currency destined for use in offences can be seized, but not other instrumentalities destined for use.

There is no programme or institution responsible for the management of seized and confiscated property apart from terrorism cases.

There is no legislation on the seizure and forfeiture of proceeds of crime transformed or converted into other property; for the confiscation up to the assessed value of proceeds intermingled with property acquired from legitimate sources; and for the seizure and confiscation of income or other benefits derived from proceeds of crime, from property into which such proceeds of crime have been transformed or converted or from property with which such proceeds of crime have been intermingled.

Section 33 of the EOCO Act on freezing of property is applicable to the seizure of bank records.

Sections 41 and 45 of the EOCO Act establish the inversion of the burden of proof. This administrative confiscation is very frequently applied, especially due to the low number of prosecutions in corruption and money-laundering cases.

Sections 31 and 54 of the EOCO ACT foresee that seizure and confiscation shall be without prejudice to the rights of bona fide third parties.

The FIC can request financial institutions for banking information, while all other investigation bodies need a court order for the lifting of banking secrecy.

Statute of limitations; criminal record (arts. 29 and 41)

There is no statute of limitations.

Section 71 of the Mutual Legal Assistance Act is used to introduce foreign criminal convictions into criminal proceedings.

Jurisdiction (art. 42)

Ghana has established its jurisdiction with regard to most circumstances referred to in article 42 of the Convention, with the exception of corruption offences committed against one of its nationals; acts of participation in and attempts of money-laundering carried out outside Ghana; offences committed against the State; and offences when the alleged offender is present in its territory and Ghana does not extradite him.

Ghana has partially established its jurisdiction over offences committed by a national. Ghana consults with the central authority of a foreign State to determine the appropriate venue for the proceedings to take place when criminal proceedings are likely to be initiated or are pending in both States.

Consequences of acts of corruption; compensation for damage (arts. 34 and 35)

Ghana does not have legislation or relevant practice for rescinding or annulling contracts or withdrawing concessions, although this seems to be done in practice. Groups of Ghanaian citizens have started public interest litigation in cases in which major international firms in Ghana were supposedly involved in corrupt practices.

Except for provisions specific to whistle-blowers, no legislation foresees the compensation for damages suffered as a result of corruption.

Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)

The CHRAJ, the EOCO, the Criminal Investigation Department of the Ghana Police Service and the FIC are the specialized bodies combating corruption through law enforcement.

With regard to cooperation between national authorities, there is no limitation on the sharing of information between CHRAJ and EOCO and they can also establish joint teams. Close coordination of the Police Service, EOCO and FIC was necessary because the police could not seize and freeze assets. The FIC has concluded several MoUs with other national institutions.

With regard to the private sector, the competent authorities, in particular the Attorney-General's Office, are cooperating with internal investigators in private

sector entities on a case-to-case basis. The FIC conducted a series of training and outreach workshops with financial institutions.

Various institutions in Ghana have complaint offices, complaint boxes and hotlines to encourage reporting on corruption.

2.2. Successes and good practices

General part

- Ghana has adopted a multi-agency approach to the fight against corruption. Legislation and practices give opportunities for cooperation between national institutions and allow for information-sharing and flexible distribution of labour.
- Ghana has made in recent years an effort to modernize its legislation on the fight against corruption and has also presented more bills to the Parliament.
- Ghanaian anti-corruption institutions invested considerably in the specialized training of their staff, focusing on the long-term benefits of having suitably trained officials.

Criminalization and law enforcement

- Through its "Justice for All" programme, Ghana has taken action to review and reduce the number of prisoners on remand (art. 30, para. 4).
- Ghana has broad powers for freezing and seizure by the EOCO and FIC which need to be confirmed by the Court after 14 (EOCO) or 7 (FIC) days respectively (art. 31, para. 2).
- It is noted positively that the Attorney-General's Office is cooperating with the internal investigators in private sector entities in the investigation of corruption offences, and that FIC is actively reaching out to the financial sector with training and awareness-raising activities (art. 39, para. 1).
- Ghana has no statute of limitation for criminal offences including corruption (art. 29).

2.3. Challenges in implementation

General part

- In the context of the limited number of prosecutions on corruption offences, note was taken of the fact that EOCO was still in its initial phase and CHRAJ did not have the power to prosecute. Ghana is encouraged to clarify and align its investigation and prosecution powers and responsibilities to ensure efficiency, effectiveness and independence of the prosecution function in corruption cases.
- The adoption of the National Anti-Corruption Action Plan is encouraged.

Criminalization

With regard to criminalization, it is recommended that Ghana:

- Explicitly criminalizes active transnational bribery; considers explicitly criminalizing passive transnational bribery, for the purpose of clarity of the law (art. 16, paras. 1 and 2).
- Ghana could consider whether it would enhance the full implementation of article 17 to create a more specific offence for public officials which relate to assets entrusted to the official by virtue of their position, and regulate the benefit for a third party (art. 17).
- It is recommended that Ghana considers amending its legislation on trading in influence to cover instances in which an undue benefit is provided to "any other person", as well as the conduct of "promise" and the granting "directly or indirectly" of an undue benefit (art. 18, subpara. a).
- Considers amending its legislation to include the elements of "solicitation", "directly or indirectly" and "for himself or herself or for another person" (art. 18, subpara. b).
- Observe that Section 179 C of the Criminal Offences Act is applied to cases in which the benefit is for a third party; should the judiciary not interpret the law in this way it could imply the need for legislative clarification (art. 19).
- Considers criminalizing illicit enrichment (art. 20).
- Considers criminalizing active and passive bribery in the private sector (art. 21, subparas. a and b).
- Considers whether it would enhance the full implementation of article 22 to create a more specific offence (art. 22).
- Amends its legislation to cover the disguise of the origin, true nature, disposition, movement or ownership of or rights with respect to property as stipulated by the Convention (art. 23, subpara. 1 (a) (ii)).[2]
- Provides the Secretary-General of the United Nations with copies of its laws on laundering of proceeds of crime (art. 23, subpara. 2d).
- Although the "continued retention" could be covered under the element "takes possession", considers amending its legislation to cover this element (art. 24).
- Recognizing that the threat of harm offence can in general terms address the elements of physical force, threats and intimidation for purposes of obstruction of justice with regard to the provision of false testimony and to the production of other evidence, assess whether the establishment of a specific offence would be useful (art. 25, subpara. a).
- Amends its legislation to cover the elements of threat and intimidation in a comparable manner to physical violence (art. 25, subpara. b).

[2] The Anti-Money Laundering (Amendment) Act, 2014 (Act 874) criminalized the disguise of the source, disposition, movement or ownership; only the disguise of the true nature of the property is not covered.

Law enforcement

With regard to law enforcement, it is recommended that Ghana:

- Clarifies which sanctions would be applicable to legal persons in criminal cases, with a view to ensuring that they are effective, proportionate and dissuasive; and encourages the systematic application of the criminal responsibility of legal persons (art. 26).
- Take measures to establish an appropriate balance between immunities and the possibility of effectively investigating, prosecuting and adjudicating offences (art. 30, para. 2).
- Considers whether applying parole in appropriate cases could lead to taking more specifically into account the respective gravity of the offence concerned (art. 30, para. 5).
- Considers establishing procedures for the disqualification of persons convicted of corruption offences also for holding office in companies partly owned by the State (art.30, subparas. 7 a and b).
- Amends its legislation to allow that criminal and disciplinary procedures be conducted in parallel (art. 30, para. 8).
- Takes measures to promote the reintegration into society of persons convicted of offences (art. 30, para. 10).
- Amends its legislation to facilitate the confiscation of instruments "destined for use" in the commission of corruption offences (art. 31, subpara. 1 (a)).
- Amends its legislation to facilitate the freezing and seizure of instrumentalities destined for use in the commission of corruption offences for all assets (art. 31, para. 2).
- Adopts measures to regulate the administration by the competent authorities of frozen, seized or confiscated property (art. 31, para. 3).
- Amends its legislation to provide for the seizure and forfeiture of proceeds of crime transformed or converted into other property; for the confiscation up to the assessed value of proceeds intermingled with property acquired from legitimate sources; and for the seizure and confiscation of income or other benefits derived from proceeds of crime, from property into which such proceeds of crime have been transformed or converted or from property with which such proceeds of crime have been intermingled (art. 31, paras. 4-6).
- Adopts, as a matter of urgency, witness protection legislation and a witness protection programme. These should offer all forms of necessary protection, including evidentiary rules to permit witnesses and experts to give testimony in a manner that ensures their safety, and refer also to experts and victims in so far as they are witnesses, as well as collaborators with justice (art. 32, paras. 1, 2 and 4; art. 37, para. 4).
- Considers entering into agreements and arrangements with other States for the relocation of witnesses or experts (art. 32, para. 3).
- Amends its legislation to enable the views and concerns of victims to be presented and considered in criminal proceedings (art. 32, para. 5).

- Ghana is encouraged to further expand the scope and content of measures to protect whistle-blowers (art. 33).
- It is recommended that Ghana takes measures to clarify the consequences of corruption, such as, whether corruption is a relevant factor in legal proceedings to annul or rescind a contract, withdraw a concession or similar measures (art. 34).
- Takes such measures to ensure compensation can be obtained for damage suffered as a result of corruption (art. 35).
- Ensures that all specialized law enforcement institutions are provided with the funds established by law (art. 36).
- Considers whether additional measures could be taken to encourage collaborators with justice to cooperate (art. 37, para. 1).
- Ghana could consider entering into agreements or arrangements on cases where a collaborator with justice is located in one State Party but can provide substantial cooperation to the competent authorities of another State Party (art. 37, para. 5).
- Ghana could establish its jurisdiction over corruption offences on the grounds that they are committed by a Ghanaian national and against a Ghanaian national, over acts of participation in and attempts to commit money-laundering carried out outside its territory; and over corruption offences committed against the State (art. 42, para. 2).
- Ghana could establish its jurisdiction over corruption offences when the alleged offender is present in its territory and it does not extradite him or her (art. 42, para. 4).
- It is recommended that in practice, the responsible authorities of Ghana consult with those of other States which also exercise their jurisdiction with a view to coordinating their actions apart from considering the appropriate venue (art. 42, para. 5).

2.4. Technical assistance needs identified to improve implementation of the Convention

Ghana highlighted the following needs for technical assistance:

- Model legislation, training and capacity-building (art. 23).
- Model legislation, capacity-building (art. 26).
- Assistance in legislative drafting, on-site assistance by a relevant expert (art. 30).
- Capacity-building programmes for authorities responsible for identifying, tracing and confiscating property or instrumentalities (art. 31).
- Capacity-building for financial investigations (art. 36).
- Assistance for the establishment of an asset declaration verification system (art. 38).

- Capacity-building programmes for authorities responsible for the establishment and management of reporting programmes and mechanisms (art. 39).

3. Chapter IV: International cooperation

3.1. Observations on the implementation of the articles under review

Extradition; transfer of sentenced persons; transfer of criminal proceedings (arts. 44, 45 and 47)

Extradition requirements are set forth in the Extradition Act. Ghana makes extradition conditional on the existence of a treaty and does not use the Convention as legal basis. Ghana applies extradition to treaty States and to Commonwealth States. Ghana has not informed the Secretary-General of the United Nations whether it takes the Convention as legal basis for extradition. An Extradition Bill was pending.

Ghana requires dual criminality for extradition and can extradite its nationals.

According to the first Schedule to the Extradition Act and the Anti-Money Laundering Law, not all corruption offences are extraditable. Ghana does not consider all corruption offences to be included as extraditable offences in its extradition treaties.

Extradition requests are processed through the diplomatic channels. Active extradition requests are prepared by the Attorney-General's office without the need for a judicial order. In passive extradition requests the District Magistrate decides on an evidentiary standard of a prima facie case.

Ghana has a uniform extradition procedure, and does not have procedures in place to simplify and expedite extradition proceedings. With regard to the refusal of discriminatory requests, Sections 2 (2) and 23 of the Extradition Act do not specifically mention discrimination on account of a person's nationality or political opinions. Ghana can as a matter of practice engage in consultations with other States during extradition proceedings.

Ghana is party to several bilateral and multilateral extradition agreements and arrangements.

With regard to the transfer of sentenced persons, Ghana has a Transfer of Convicted Persons Act and has concluded one bilateral arrangement in the matter.

Section 5 (f) of the Mutual Legal Assistance (MLA) Act foresees the transfer of criminal proceedings.

Mutual legal assistance (art. 46)

The MLA Act (Act 807 of 2010) provides the legal framework for mutual legal assistance. Ghana has concluded two regional treaties. Ghana does not require a treaty basis, but can provide assistance on the basis of an arrangement (Section 1 paragraph 1 of the MLA Act). The Convention can be applied in the absence of or in lieu of a treaty.

The Schedule of countries to which Ghana can provide mutual legal assistance lists 163 countries. Ghana did not provide adequate statistics on mutual legal assistance.

Ghana generally requires dual criminality, but Section 17 of the MLA Act contains a procedure to overcome this requirement.

Ghana can provide MLA for a wide range of measures, also with regard to offences for which a legal person is considered responsible. The MLA Act only contains basic rules on the transfer of persons in custody.

The Ministry of Justice is the central authority, although Ghana has not notified the Secretary-General of the United Nations of its designation or the language or languages acceptable for mutual legal assistance requests. The central authority can send and receive MLA requests directly to and from other central authorities. In urgent circumstances, Ghana can receive requests through INTERPOL, by e-mail or orally.

Ghana can as a matter of practice comply with mutual legal assistance requests in accordance with procedures specified in the request, to the extent not contrary to the domestic law of Ghana.

The MLA Act does not contain a clear regulation on the bearing of ordinary costs of the execution of a request.

Ghana requires an application to Court aiming at obtaining permission of providing information to the requesting State.

Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and50)

The EOCO Act and the Anti-Money-Laundering Act contain mandates for law enforcement cooperation for the EOCO and FIC. The FIC has concluded several memorandums of understanding with foreign counterparts and has applied for membership in the Egmont Group.[3] Furthermore, the authorities cooperate through INTERPOL, the West African Police Chiefs Committee, OLAF and informally with the authorities of other States. Ghana has not concluded any treaties on law enforcement cooperation and does not consider the Convention as the basis for mutual law enforcement cooperation in respect of the offences covered by the Convention.

Section 54 of the MLA Act foresees joint investigations, and Ghana has used them in the past in child trafficking cases. Ghana also has a quadripartite agreement on joint investigations with other States in the region.

Ghana can use controlled delivery and undercover operations in national corruption cases and has done so; EOCO can apply for a judicial order for phone tapping. These powers are not clearly regulated in law, however, Section 53 of the MLA Act foresees arrangements for covert investigations at the international level. Ghana has not concluded bilateral or multilateral agreements or arrangements for the use of special investigative techniques at the international level.

[3] Post-country visit development: The FIC is now a member of the Egmont Group, after having been admitted on 24 June 2014.

3.2. Successes and good practices

- Ghana has in 2010 adopted a Mutual Legal Assistance Act that contains very detailed provisions on a wide range of mutual legal assistance matters.
- It contains modern practices that facilitate cooperation, such as spontaneous information disclosure or the use of videoconferencing in mutual legal assistance.
- Further, it explicitly spells out principles that in many countries are applied as a matter of practice, such as the specialty principle or the rules on confidentiality.
- It also contains provisions on related issues such as the transfer of criminal proceedings, joint investigations or the use of special investigative techniques at the international level (art. 46).

3.3. Challenges in implementation

With regard to international cooperation, it is recommended that Ghana:

- Ensures that all corruption offences are extraditable offences, either by including them in the Schedule of the Extradition Act or by turning to an all-crime approach, possibly with a minimum penalty requirement (art. 44, para. 1).
- Ghana could consider granting the extradition of a person in the absence of dual criminality (art. 44, para. 2).
- It is recommended that Ghana ensures that all corruption offences are deemed to be included as an extraditable offence in any of its extradition treaties. Should Ghana conclude more extradition treaties in the future, it should undertake to include such offences as extraditable offences (art. 44, para. 4).
- Considers using the Convention as a legal basis for extradition, or otherwise allow ad hoc arrangements on the basis of the Convention, or, where appropriate, conclude bilateral and multilateral agreements and arrangements with other States; as well as inform the Secretary-General on the use of the Convention as a legal basis (art. 44, paras. 5, 6, 18).
- Endeavours to expedite extradition proceedings by, for example, introducing simplified proceedings (art. 44, para. 9).
- Explicitly regulate that extradition cannot be granted when there are substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person's nationality or political opinions (art. 44 para. 15).
- Take measures to ensure that it can cooperate through MLA on the basis of administrative arrangements with all States parties to the Convention; and consider creating or strengthening a system for the compilation of statistics on mutual legal assistance that also addresses the processing and duration of requests (art. 46, paras. 1 and 24).
- Addresses by legislation or direct application of the Convention the transfer of detained persons for purposes of assistance in obtaining evidence in cases in

which the competent authorities of both States parties agree; and the transfer of persons to Ghana upon a request by Ghana (art. 46, paras. 10-12).

- Notifies the Secretary-General of the designation of its central authority and the language or languages acceptable for mutual legal assistance requests (art. 46, paras. 13 and 14).
- Complies with requests for information on the status of the request by direct application of the Convention (art. 46, para. 24).
- Clarify that ordinary costs of the execution of a request should always be borne by the requested State (art. 46, para. 28).
- Considers applying the Convention directly and, where appropriate, conclude bilateral agreements or arrangements (art. 46, para. 30).
- Expands the existing structures for international cooperation in law enforcement and explore further avenues, including the exchange of personnel (art. 48, para. 1).
- Considers using the Convention as the basis for mutual law enforcement cooperation, or otherwise, consider concluding bilateral or other multilateral agreements or arrangements on the matter (art. 48, para. 2).
- Continue cooperating with other States to respond to corruption committed through the use of modern technology (art. 48, para. 3).
- Clarify its legislation with regard to controlled delivery and undercover operations, and consider establishing other special investigative techniques, such as electronic surveillance; and consider strengthening EOCO's capacities to perform phone surveillance (art. 50, paras. 1 and 4).
- Considers entering into agreements or arrangements, or allow decisions to use special investigative techniques at the international level to be made on a case-by-case basis (art. 50, paras. 2 and 3).

3.4. Technical assistance needs identified to improve implementation of the Convention

Ghana has expressed interest in the following forms of technical assistance:

- Capacity-building programmes for authorities responsible for international cooperation in criminal matters, development of an e-library (art. 46).
- Capacity-building programmes for authorities responsible for designing and managing the use of special investigative techniques (art. 50).
- Equipment in the area of special investigative techniques (art. 50).